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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,065	01/05/2001	Attila Narin	03797.00062	2135

28319 7590 06/25/2004

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EXAMINER

BARNES, CRYSTAL J

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/754,065

Applicant(s)

NARIN, ATTILA

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20010430.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-40 are pending in this application.

### *Election/Restrictions*

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20 and 22-40, drawn to a method of obtaining data by forming a request having a header and a computing device/system, classified in class 709, subclass 217.
  - II. Claim 21, drawn to a computer readable medium having stored thereon a HTTP request for information, classified in class 709, subclass 228.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as

claimed does not require the particulars of the subcombination as claimed because the method/computer device does not require the structure of the HTTP request in order to request and display web pages. The subcombination has separate utility such as storing HTTP requests on a computer readable medium.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Jordan Bodner, Reg. No. 42,338 on 22 June 2004, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20 and 22-40. Affirmation of this election must be made by applicant in replying to this Office action. Claim 21 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Priority***

7. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Information Disclosure Statement***

8. The information disclosure statement (IDS) submitted on 30 April 2001 is being considered by the examiner.

***Drawings***

9. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

10. The disclosure is objected to because of the following informalities:  
reference characters "505" on page 9 line 15 and "508" on page 10 line 3 have both  
been used to designate server computing device. Appropriate correction is  
required.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102  
that form the basis for the rejections under this section made in this Office  
action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-7, 15-19, 22, 27-35, 37, 38 and 40 are rejected under 35  
U.S.C. 102(e) as being anticipated by USPN 6,167,441 to Himmel.

As per claim 1, the Himmel reference discloses a method of obtaining data  
for an application from a server using a browser program module for accessing

information from the server by forming a request having a header, comprising the steps of: (a) said browser program module (see column 6 lines 46-49, "client browser 151") receiving, from the application (see column 6 lines 31-33, "clients 101-107"), a request for data ("HTTP request") offered by the server ("web server 111"); (b) transmitting, from the browser program module ("client browser 151"), a request for the data ("HTTP request") to the server ("web server 111"), wherein the request ("HTTP request") includes header information (see column 6 lines 49-51, "HTTP header information") identifying a characteristic of the application (see column 7 lines 14-16, "client device characteristics"); and (c) receiving data (see column 7 lines 8-10, "appropriate HTML page or web application") from the server ("web server 111") responsive to the request ("HTTP request"), wherein the received data ("appropriate HTML page or web application") is formatted ("format") in accordance with the header information ("HTTP header information").

As per claim 2, the Himmel reference discloses said request ("HTTP request") is formulated by said browser program module ("client browser 151") pursuant to a HyperText Transfer Protocol (HTTP) (see column 1 lines 13-18, "HTTP").

As per claim 3, the Himmel reference discloses said request ("HTTP request") further includes an HTTP User-agent (see column 5 lines 54-56, "client-smart agent") header ("HTTP header information") identifying said web browser ("client browser type and operating system") to said server (see column 5 lines 52-54, "HTTP server").

As per claim 4, the Himmel reference discloses said header information (see column 5 lines 63-66, "HTTP header information") identifies said application ("client device").

As per claim 5, the Himmel reference discloses said header information (see column 5 lines 56-59, "header information") identifies a version ("version level") of said application ("Netscape Navigator browser for Windows 95").

As per claim 6, the Himmel reference discloses said header information (see column 9 lines 28-30, "header information") identifies a language setting ("language version") of said application ("browser").

As per claim 7, the Himmel reference discloses said header information (see column 9 lines 28-30, "header information") identifies a locale setting ("locale information") of said application ("browser").



As per claim 15, the Himmel reference discloses said characteristic is a font (see column 52-53, "font or font size") used by said application ("client device").

As per claim 16, the Himmel reference discloses at least portions (see column 6 lines 51-55, "client-snooper agent 159") of said browser program module (see column 6 lines 46-49, "client browser 151") are incorporated within said application ("client device").

As per claim 17, the Himmel reference discloses said header information (see column 9 lines 28-30, "header information") identifying a characteristic of the application (see column 7 lines 14-16, "client device characteristics") identifies a user preference ("language version, locale information") for said application ("browser").

As per claim 18, the Himmel reference discloses a computer-readable medium (see column 4 lines 17-22, "computer-readable memory") having computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52").

As per claim 19, the Himmel reference discloses a portable computing device including a computer-readable medium (see column 4 lines 17-22, "computer-readable memory") having computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52"), said portable computing device (see column 9 lines

40-44, "palmtops, laptops") being configured to allow a user of said device ("palmtops, laptops") to access textual information (see column 4 lines 49-54, "best format and content to be optimally read, interpreted and displayed") provided by said server ("server").

As per claim 22, the Himmel reference discloses a method for providing information on the Internet, comprising the steps of: a) receiving, from a browser program module (see column 6 lines 46-49, "client browser 151") via the Internet, a request ("HTTP request") for a web page ("URL, Web application"); b) examining said received request ("HTTP request") for header information (see column 6 lines 49-51, "HTTP header information") identifying said web browser ("client browser 151"); c) examining said received request ("HTTP request") for header information ("HTTP header information") identifying a status of an application (see column 7 lines 14-16, "client device characteristics") for which said web browser ("client browser 151") sent said request ("HTTP request"); d) transmitting a response (see column 8 lines 1-13, "URL") to said browser program module ("client browser 151") responsive to said request ("HTTP request"), wherein said web page ("URL") is a modified form of said requested web page ("HTTP request"), and wherein a difference between said transmitted web page ("URL") and said requested web

page ("HTTP request") is based upon said status of said application ("client device characteristics") for which said web browser ("client browser 151") sent said request ("HTTP request").

As per claim 27, the rejection of claim 22 is incorporated and further claim 27 contains limitations recited in claim 22; therefore claim 27 is rejected under the same rationale as claim 22.

As per claim 28, the rejection of claim 22 is incorporated and further claim 28 contains limitations recited in claim 22; therefore claim 28 is rejected under the same rationale as claim 22.

As per claim 29, the Himmel reference discloses further comprising the step of gathering statistical information (see column 8 lines 6-13, "PalmTop computers, WebTV, personal computer") regarding applications that request said requested web page ("URL").

As per claim 30, the Himmel reference discloses said statistical information relates to a characteristic (see column 8 lines 6-13, "PalmTop computers, WebTV, personal computer"), configuration, or state of the applications that request said requested web page ("URL").

As per claim 31, the rejection of claim 2 is incorporated and further claim 31 contains limitations recited in claim 2; therefore claim 31 is rejected under the same rationale as claim 2.

As per claim 32, the rejection of claim 3 is incorporated and further claim 32 contains limitations recited in claim 3; therefore claim 32 is rejected under the same rationale as claim 3.

As per claim 33, the rejection of claim 18 is incorporated and further claim 33 contains limitations recited in claim 18; therefore claim 33 is rejected under the same rationale as claim 18.

As per claim 34, the Himmel reference discloses a computing device communicatively connected to a network, comprising: a processing unit (see column 3 lines 29-42, "microprocessor 22"); and one or more memories ("ROM 23, RAM 24"), wherein said one or more memories ("ROM 23, RAM 24") store a program module containing computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52") for performing the following steps: receiving, via said network, a request (see column 6 lines 46-49, "HTTP request") for a web page (see column 5 lines 48-49, "URL") from a web browser ("client browser 151"), wherein said request ("HTTP request") includes header information (see column 6 lines 49-

51, "HTTP header information") identifying a characteristic of an application (see column 7 lines 14-16, "client device characteristics") for which said web browser ("client browser 151") generated said request ("HTTP request"); and transmitting said requested web page ("URL") responsive to said request ("HTTP request").

As per claim 35, the rejection of claim 22 is incorporated and further claim 35 contains limitations recited in claim 22; therefore claim 35 is rejected under the same rationale as claim 22.

As per claim 37, the rejection of claim 22 is incorporated and further claim 37 contains limitations recited in claim 22; therefore claim 37 is rejected under the same rationale as claim 22.

As per claim 38, the Himmel reference discloses a computing device communicatively connected to a network, comprising: a processing unit (see column 3 lines 29-42, "microprocessor 22"); and one or more memories ("ROM 23, RAM 24"), wherein said one or more memories ("ROM 23, RAM 24") store a browser program module (see column 6 lines 46-49, "client browser 151") containing computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52") for generating requests (see column 6 lines 46-49, "HTTP request") for information from said network, said requests having headers (see column 6 lines

49-51, "HTTP header information"), and for performing the following steps: receiving, from an application program module ("client browser 151"), a request ("HTTP request") for a web page (see column 5 lines 48-49, "URL") available via said network; preparing a network request ("HTTP request") for said web page ("URL"), said network request ("HTTP request") including header information ("HTTP header information") identifying a characteristic of said application program module (see column 7 lines 14-16, "client device characteristics"); and transmitting said network request ("HTTP request").

As per claim 40, the Himmel reference discloses a computing system for requesting and displaying web pages using the Internet, comprising: a) a user device application (see column 6 lines 31-33, "clients 101-107") communicatively coupled to said Internet ("Internet 109"), said user device "clients 101-107") including a processor (see column 3 lines 29-42, "microprocessor 22") and a memory ("ROM 23, RAM 24") storing a program module containing computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52") for performing the following steps: i) generating an Internet request ("HTTP request") for a web page (see column 5 lines 48-49, "URL"), wherein said Internet request ("HTTP request") includes header information ("HTTP header information") identifying a

characteristic of a display area ("client device characteristics") used by an application operating on said processor ("microprocessor 22") of said user device ("clients 101-107"); and ii) transmitting said Internet request ("HTTP request") to said Internet; and b) a server device ("HTTP server 165") communicatively coupled to said Internet ("Internet 109"), said server device including a processor (see column 3 lines 29-42, "microprocessor 22") and a memory ("ROM 23, RAM 24") storing a program module containing computer-executable instructions (see column 4 lines 14-17, "set of instructions 48-52") for performing the following steps: i) receiving, via said Internet ("Internet 109"), said Internet request ("HTTP request"); and ii) transmitting a version of said requested web page ("URL") responsive to said Internet request ("HTTP request"), wherein said version (see column 8 lines 6-13, "URL") is determined in accordance with said header information ("HTTP header information").

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8-14, 20, 23-26, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,167,441 to Himmel in view of logical reasoning.

As per claim 8, the Himmel reference does not expressly disclose said header information identifies a characteristic of a network condition (see column 4 lines 4-6, "wireless transmission means in the RF or IR spectrums").

The Himmel reference discloses

(see column 5 lines 63-66, "If based on the HTTP header information, the client device cannot be identified ... the client-snooper agent ... to identify the client type.")

(see column 6 lines 22-27, "... description of the screen size ... software compatible with the browser ... amount of memory and other client device parameters.")

(see column 6 lines 56-60, "... attached devices ... registry in which hardware devices are listed ...")

(see column 7 lines 14-16, "... client-smart agent parses the HTTP for the browser information which can be used to infer the client device characteristics.")



(see column 7 lines 25-26, "... client device is snooped for device, operating system and/or browser information.")

(see column 7 lines 33-39, "Based on the information from the parsing, snooping or receiving steps, the client-smart agent determined the appropriate page to send the HTTP request ... ")

However, it would have been logical for one of ordinary skill in the art to supplement obtaining data from the header information with the snooping and/or receiving steps taught by the Himmel reference.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the parsing, snooping, and receiving steps to tailor Web content for display in client devices.

One of ordinary skill in the art would have been motivated to tailor Web content for display in client devices to support a multitude of different client device for Internet applications.

As per claim 9, the Himmel reference does not expressly disclose said header information identifies a user interface characteristic (see column 6 lines 18-27, "screen size") of said application ("client device").

As per claim 10, the Himmel reference does not expressly disclose said header information identifies a physical property of a device (see column 3 lines 66-67, "capabilities of the display, memory, and processor") on which said application ("client device") operates.

As per claim 11, the Himmel reference does not expressly disclose said header information identifies a characteristic of a graphical display area (see column 4 lines 8-11, "resolution and addressable screen size") used by said application ("client device").

As per claim 12, the rejection of claim 11 is incorporated and further claim 12 contains limitations recited in claim 11; therefore claim 12 is rejected under the same rationale as claim 11.

As per claim 13, the rejection of claim 11 is incorporated and further claim 13 contains limitations recited in claim 11; therefore claim 13 is rejected under the same rationale as claim 11.

As per claim 14, the Himmel reference does not expressly disclose said header information identifies a characteristic of an audio capability of said application.

As per claim 23, the rejection of claim 11 is incorporated and further claim 23 contains limitations recited in claim 11; therefore claim 23 is rejected under the same rationale as claim 11.

As per claim 24, the Himmel reference does not expressly disclose said header information identifying a status of said application (see column 7 lines 14-16, "client device characteristics") identifies a font (see column 52-53, "font or font size") used by said application ("client device").

As per claim 25, the Himmel reference does not expressly disclose said header information identifying a status of said application (see column 7 lines 14-16, "client device characteristics") identifies a version (see column 9 lines 35-37, "version level"), language (see column 9 lines 28-30, "language version"), regional setting (see column 9 lines 30-32, "locale information"), state ("locale information"), user interface theme (see column 7 lines 46-52, "color palettes"), or configuration (see column 7 lines 44-47, "display sizes, screen sizes") of said application ("clients").

As per claim 26, the Himmel reference does not expressly disclose said header information identifying a status of said application (see column 7 lines 14-16, "client device characteristics") identifies a property of a physical device (see

column 3 lines 66-67, "capabilities of the display, memory, and processor") or network (see column 4 lines 4-6, "wireless transmission means in the RF or IR spectrums") used by said application ("client device").

As per claim 36, the rejection of claim 11 is incorporated and further claim 36 contains limitations recited in claim 11; therefore claim 36 is rejected under the same rationale as claim 11.

As per claim 39, the rejection of claim 11 is incorporated and further claim 39 contains limitations recited in claim 11; therefore claim 39 is rejected under the same rationale as claim 11.

As per claim 20, the Himmel reference does not expressly disclose said application is a reader application for reading textual information.

The Himmel reference discloses

(see column 9 lines 40-44, "The invention is widely applicable to a variety of web applications... international applications ... ")

However, it would have been logical for one of ordinary skill in the art to practice, with modification, the invention taught by the Himmel reference in other environments.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to tailor a variety of Web content for display/playback in a variety of client devices.

One of ordinary skill in the art would have been motivated to tailor a variety of Web content for display/playback in a variety of client devices to support a multitude of different client devices for Internet applications.

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to in general:

USPN 6,684,257 B1 to Camut et al.

USPN 6,643,696 B2 to Davis et al.

USPN 6,643,684 B2 Malkin et al.

USPN 6,212,536 B1 to Klassen et al.

USPN 6,085,224 to Wagner

USPN 5,991,810 to Shapiro et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb  
23 June 2004

  
Anthony Knight  
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